

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1
Filed: July 7, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT S. SUPINSKI

Junior Party

(Application 10/007,812),

v.

**ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.
SIDEBOTHAM, and DAVID KENT DEBOER**

Senior Party

(Patent 6,146,423).

Patent Interference No. 105,761 (JL)
(Technology Center 3700)

DECLARATION – Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as
5 not corresponding to the count(s) appear in Parts E and F of this
6 DECLARATION.

7 **Part B. Judge managing the interference**

8 Administrative Patent Judge Jameson Lee has been designated to
9 manage the interference. Bd. R. 104(a).

10 **Part C. Standing order**

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
12 this DECLARATION. The STANDING ORDER applies to this
13 interference.

14 **Part D. Initial conference call**

15 A telephone conference call to discuss the interference is set for **1:00**
16 **p.m. on August 18, 2010** (the Board will initiate the call).

17 No later than **four business days** prior to the conference call, each
18 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.
19 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

1 A sample schedule for taking action during the motion phase appears
2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the
3 schedule prior to the conference call and to agree on dates for taking action.
4 A typical motion period lasts approximately eight (8) months. Counsel
5 should be prepared to justify any request for a shorter or longer period.

6 **Part E. Identification and order of the parties**

7
8 Junior Party

9 Named inventor: ROBERT S. SUPINSKI, Mount Morris,
10 New York

11
12 Involved Application: 10/007,812 filed November 8, 2001.

13 Title: Patella Replacement Apparatus

14
15 Assignee: None

16
17 Senior Party

18
19 Named Inventors: ROBERT C. COHEN, Rockaway Township,
20 New Jersey

21
22 RAFAIL ZUBOK, Midland Park, New Jersey

23
24 CHRISTOPHER G. SIDEBOTHAM, Randolph,
25 New Jersey

26
27 DAVID KENT DEBOER, Allendale, New Jersey

28
29
30 Involved Patent: 6,146,423 issued November 14, 2000, based on
31 application 09/239,467 filed January 28, 1999.

32
33 Title: Patella Replacement Apparatus

1 Assignee: Zimmer Trabecular Metal Technology, Inc.

2

3 The senior party is assigned exhibit numbers 1001-1999. The junior

4

party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶

5

154.2.1. The senior party is responsible for initiating settlement discussions.

6

SO ¶ 126.1.

7

Part F. Count and claims of the parties

8

Count 1

9

Supinski's Claim 1

10

or

11

Cohen's Claim 2

12

The claims of the parties which correspond to Count 1 are:

13

Supinski: 1 and 3-7

14

Cohen: 1-7

15

Count 2

16

Supinski's Claim 8

17

or

18

Cohen's Claim 8

19

The claims of the parties which correspond to Count 2 are:

20

Supinski: 8-21

21

Cohen: 8-24

22

1 The claims of the parties are:

2 Supinski: 1, 3-21

3 Cohen: 1-24

4 The claims of the parties which correspond to Counts 1 and 2 are:

5 Supinski: 1 and 3-21

6 Cohen: 1-24

7 The claims of the parties which do not correspond to Counts 1 and 2
8 and therefore are not involved in the interference, are:

9 Supinski: None

10 Cohen: None

11 The parties are accorded the following benefit for Counts 1 and 2:

12 Supinski: None

13 Cohen: None

1 **Part G. Heading to be used on papers**
2

3 The following heading must be used on all papers filed in this
4 interference, see SO ¶ 106.1.1:

5 UNITED STATES PATENT AND TRADEMARK OFFICE
6

7 _____
8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES
10

11 _____
12 **ROBERT S. SUPINSKI**

13 Junior Party
14 (Application 10/007,812),

15 v.

16 **ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.**
17 **SIDEBOTHAM, and DAVID KENT DEBOER**

18 Senior Party
19 (Patent 6,146,423).
20

21 _____
22 Patent Interference No. 105,761 (JL)
23 (Technology Center 3700)

1 **Part H. Order form for requesting file copies**
2

3 When requesting copies of files, use of SO Form 4 will greatly
4 expedite processing of the request. Please attach a copy of Parts E and F of
5 this DECLARATION with a hand-drawn circle around the patents and
6 applications for which a copy of a file wrapper is requested.
7

8 /ss/ Jameson Lee
9 Administrative Patent Judge

Enc:
 Copy of STANDING ORDER
 Revised 3 January 2006

1 cc (via overnight delivery):

2 Attorney for Supinski:

3 Lynn J. Alstadt, Esq.
4 Buchanan Ingersoll, P.C.
5 One Oxford Center
6 301 Grant Street, 20th Floor
7 Pittsburgh, PA 15219
8 Telephone: (412) 562-1632
9

10 Attorney for Cohen:

11
12 Duanne Morris LLP - Princeton
13 100 American Metro Blvd., Suite 150
14 Hamilton, NJ 08619
15 Telephone: (609) 631-2400